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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,169	06/27/2003	Raymond G. Hasley	20473-1	7803

572 7590 01/05/2005

CLIFFORD A. POFF  
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SUITE 115  
PITTSBURGH, PA 15237

EXAMINER
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THISSELL, JENNIFER I

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 01/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/609,169

Applicant(s)

HASLEY, RAYMOND G.

Examiner

Jennifer I Thissell

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 23-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18,23-29 and 31 is/are allowed.
- 6) ☒ Claim(s) 1,2,5-10,16,17,19-21,30,32 is/are rejected.
- 7) ☒ Claim(s) 3,4 and 11-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Attachment A.

## **DETAILED ACTION**

### ***Claim Objections***

Claims 1, 17, and 21 are objected to because of the following informalities: It is unclear whether the word “angler” should read “angular”. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 2, 5-10, 16, 17, and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Nelson ('998). Nelson teaches a building including the combination of an array of first (10 in Figure 8), second (10A in Figure 8), and third (10 in Figure 8) triangular façade elements with the second façade jutting from side boundaries of each of the first and third triangular facades. The first, second, and third facades occur in a serial fashion dispersed about an elongated central axis that runs down through the uppermost point where the three facades are joined at the peak. The central axis is oriented perpendicular to the horizontal, each of the facades include a perimeter wall lying in a common reference plane, the reference plane is foundation oriented, and the reference plane forms an acute angle with a reference plane generally containing terrain surrounding the façade. There is a second array (column 4, lines 24-26) of first, second, and third triangular facades (Figure 3) with the

second array jutting from side boundaries of each of the first and third facades of the second array. The second array occurs in a serial fashion dispersed about a second axis, the first and second axis being generally parallel and set apart a pitch distance such that the walls of the facades confront each other. The three building elements are arranged mutually contiguous along a central axis, for each façade there are three peripheral boundaries, each of the facades have a boundary that is substantially contiguous with the boundary of at least one of the other building elements, there are considered five principal boundaries for each façade, which include the edges and the faces, the first façade has two boundaries substantially contiguous with each of the second and third elements, and the elements have at least two principal peripheral boundaries forming an acute angle relation therebetween.

Additionally, the second triangular façade has an angular projecting boundary jutting from an elongated central axis at the junction of side boundaries of each of the first and third triangular facades (see Attachment A).

Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Johnson. Johnson teaches a building with a combination of first 49, second 48, and third 47 triangular façade elements, with the second element jutting from side boundaries of each of the first and third facades. The first and third facades each project from one of each of opposite lateral side of the second façade. The three elements each have a boundary substantially contiguous

with a boundary of at least another one of the building elements, each of the elements have three peripheral boundaries defined by at least one boundary forming an acute angular relation with each of the two remaining boundaries.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson ('998) in view of Frucht ('601). Nelson shows a structure as stated above, but does not include at least one of the facades with a truncation to a triangular configuration. It would have been obvious to one having ordinary skill in the art at the time the invention was made to truncate a triangular building element as part of a building structure as a matter of design choice. Frucht shows (Figure 12) that is known in the art to have a building structure with triangular facades that have been truncated. This allows for an opportunity to provide an opening 1218 to the structure.

***Allowable Subject Matter***

Claims 18, 23-29, and 31 are allowed.

Claims 3, 4, and 11-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

Applicant's arguments filed November 17, 2004 have been fully considered but they are not persuasive.

Although applicant argues that Nelson's and Johnson's reference numerals do not correspond to the exact terminology of applicant's claims, it should be noted that the Examiner is utilizing Nelson's and Johnson's reference numerals in order to assist in identifying a structure that exists as part of their inventions. Because Nelson's and Johnson's structure can be seen in the Figures and/or described in the specification as having all of the elements as stated in the rejection, it is clear that anticipation of the claims has been established. Although the exact terminology of applicant was not recited in the prior art, this does not preclude the rejection or the existence of the claimed elements.

Additionally, the inclusion of the amended language for claims 1, 17, and 21 does not overcome the rejection as stated above, as the second triangular façade does have an angular projecting boundary jutting from an elongated central axis at the junction of side boundaries of each of the first and third triangular facades.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer I Thissell whose telephone number is (703) 306-5750. The examiner can normally be reached on Mondays and Tuesdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (703) 308-0839. The

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fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Naoko SLACK  
PRIMARY EXAMINER



# ATTACHMENT A

Oct. 17, 1967

D. P. NELSON

3,346,998

STRUCTURES FORMED EXCLUSIVELY OF FLAT PANELLED  
RIGHT TRIANGULAR BUILDING COMPONENTS

Filed June 29, 1964

2 Sheets-Sheet 1

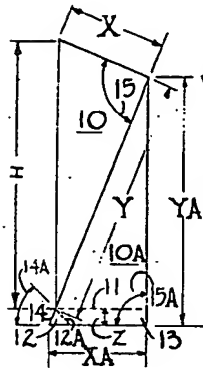


Fig. 1.

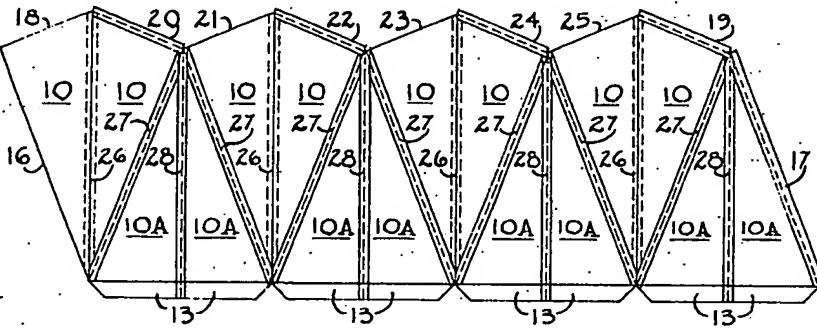


Fig. 2.

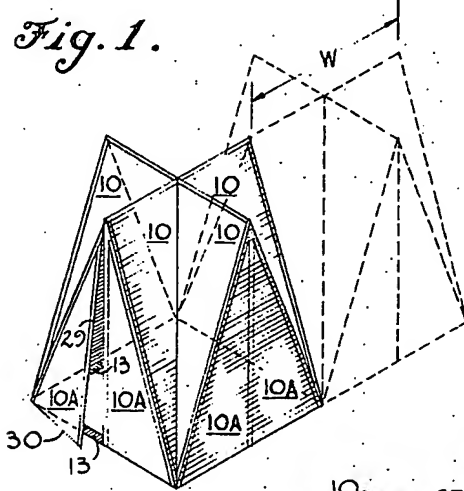


Fig. 3.

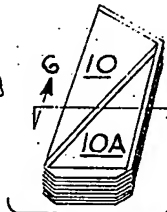


Fig. 4.

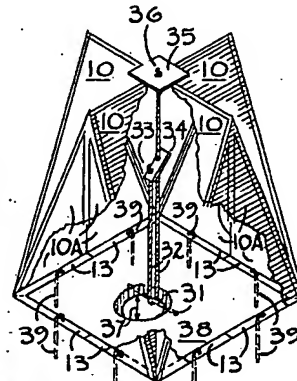


Fig. 5.



Fig. 6.

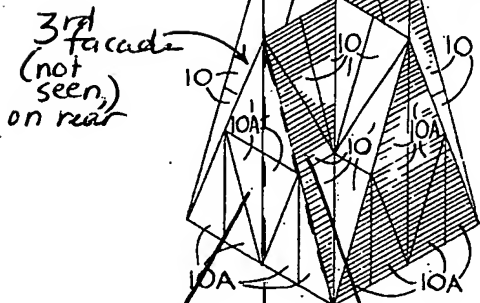


Fig. 7.

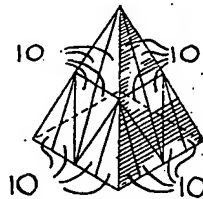


Fig. 8.

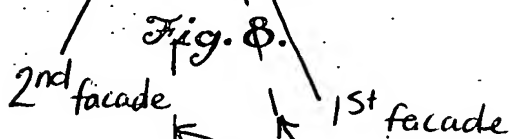


Fig. 9.

3rd facade  
(not seen)  
on rear

2nd facade

1st facade

Elongated  
central axis

angular  
projecting  
boundary  
of 2nd facade

INVENTOR  
DONAL P. NELSON

BY *Louis B. Ockerson*  
ATTORNEY